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October 18, 2011

VIA ECF

Honorable Carol B. Amon
Chief United States District Court Judge
Eastern District New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: UNITED STATES v. SALVATORE VOLPE
Docket No.: 11-CR-256 (CBA)

Dear Honorable Madam:

Respectfully, please accept this letter as an application, pursuant to Rule 50.3 of the Rules of this Court for the Division of Business Among District Judges and Administrative Order 2008-04, seeking to relate the above captioned criminal case to previously filed indictments in either United States v. Basciano, 05-CR-60 (NGG) or United States v. Bana, 09-CR-672 (NGG) and to transfer the instant Docket to the Honorable Nicholas G. Garaufis.

As your Honor is aware, Mr. Volpe has entered a plea of guilty in the instant case and because of his cooperation with the Government in the Basciano and Bana cases his sentence is presently adjourned without date. Your Honor may not, however, be aware that Mr. Volpe testified in the trial of the Basciano case over a two day period contributing to a conviction. Moreover, his cooperation has been a factor with respect to the entry of guilty pleas by, and sentencing issues relating to, many of the fifteen Defendants in the Bana case.

Judge Garaufis, who has been presiding over the Basciano and Bano cases, thus, has had an opportunity to become completely familiar with Mr. Volpe and his cooperation, as well as to actually observe the extent and quality of his testimony and the danger in which he has placed himself by his cooperation. Obviously, these are important factors which will be required to be considered, pursuant to 18 U.S.C Section 3553(a), at the time the Defendant is sentenced.

Clearly, the knowledge already gleaned by Judge Garaufis relating to Mr. Volpe will result in substantial savings of judicial resources when it comes time to sentence the Defendant in the instant case. Moreover, in light of the fact that Judge Garaufis is already intimately familiar with Mr. Volpe, his testimony and cooperation, the ends of justice and fair administration would be served by him imposing sentence in this case.

I have conferred with AUSA Nicole Argentieri concerning the instant request and she joins in the application to relate and transfer the instant case.

Upon the above, a clear showing has been established of grounds for relating the instant case to either the Basciano or Bana cases. Respectfully, therefore, on Mr. Volpe's behalf we request that the instant Docket be transferred to Judge Garaufis for sentencing and all other purposes.

Thank you for your consideration and courtesy herein.

Respectfully,


GARY SCHOER

GS/tm

cc: AUSA Nicole Argentieri, Esq.

(Via email Nicole.Argentieri@usdoj.gov)